MONTANA LEGISLATIVE HISTORY

Chapter 246 1997

Bill H _____ S 361 Original bill & history ✓ C

H. Committee on State Admin			S. Committee on State Admin.		
Hearing Date(s)	3-11	✓ C	Hearing Date(s)	2-19	✓ C
	3-20	✓ C			C
		C			C
		C			C
Date Out		C	exec.	2-19	✓

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

LEGISLATIVE HISTORIES SINCE 1997

The scope and depth of legislative committee minutes varies by year and by committee. If you would like additional information about a hearing, you may want to determine whether the hearing was recorded. In addition, some recent floor debates were also recorded. For information on accessing or purchasing these recordings, contact the Historical Society Archives at 406-444-4774.

If you have concerns regarding the format of the enclosed committee minutes or the recordings of the hearings, it is suggested that you contact your state legislators.

2/25	3RD READING PASSED	33	17
	TRANSMITTED TO HOUSE		
3/03	FIRST READING		
3/03	REFERRED TO NATURAL RESOURCES		
4/04	HEARING		
4/04	TABLED IN COMMITTEE		
	DIED IN COMMITTEE		

SB 360 INTRODUCED BY CRIPPEN *LC1168 DRAFTER: KURTZ*

ENHANCE THE PUBLIC SAFETY ON MONTANA HIGHWAYS BY REVISING THE LAWS PERTAINING TO VIOLATIONS OF SPEED RESTRICTIONS

2/13	INTRODUCED		
2/14	FIRST READING		
2/14	REFERRED TO HIGHWAYS & TRANSPORTATION		
2/14	FISCAL NOTE REQUESTED		
2/18	HEARING		
2/18	FISCAL NOTE RECEIVED		
2/18	FISCAL NOTE PRINTED		
2/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/22	2ND READING PASSED	30	20
2/24	3RD READING PASSED	27	23
	TRANSMITTED TO HOUSE		
3/03	FIRST READING		
3/03	REFERRED TO TRANSPORTATION		
3/21	HEARING		
3/24	TABLED IN COMMITTEE		
	DIED IN COMMITTEE		

SB 361 INTRODUCED BY BENEDICT *LC0854 DRAFTER: NISS*

IMPLEMENT THE NATIONAL VOTER REGISTRATION ACT

2/14	INTRODUCED		
2/14	FIRST READING		
2/14	REFERRED TO STATE ADMINISTRATION		
2/14	FISCAL NOTE REQUESTED		
2/19	HEARING		
2/19	FISCAL NOTE RECEIVED		
2/19	FISCAL NOTE PRINTED		
2/20	COMMITTEE REPORT—BILL PASSED		
2/24	2ND READING PASSED AS AMENDED	35	15
2/25	3RD READING PASSED	41	9
	TRANSMITTED TO HOUSE		
3/03	FIRST READING		
3/03	REFERRED TO STATE ADMINISTRATION		
3/11	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED		
4/03	2ND READING CONCURRED	73	25
4/04	3RD READING CONCURRED	71	28
	RETURNED TO SENATE		
4/08	SIGNED BY PRESIDENT		
4/08	SIGNED BY SPEAKER		
4/09	TRANSMITTED TO GOVERNOR		
4/11	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 246		
	EFFECTIVE DATE: 04/11/97		

Senate BILL NO. 361

INTRODUCED BY BENEDICT

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE NATIONAL VOTER REGISTRATION ACT; REQUIRING THE SECRETARY OF STATE TO ASSIST ELECTION ADMINISTRATORS WITH THE IMPLEMENTATION OF THE NATIONAL VOTER REGISTRATION ACT; REQUIRING THE SECRETARY OF STATE TO ADOPT RULES PROVIDING PROCEDURES FOR AGENCY-BASED REGISTRATION; REQUIRING THE SECRETARY OF STATE TO MAKE APPLICATIONS FOR VOTER REGISTRATION FORMS AVAILABLE; PROVIDING ADDITIONAL LOCATIONS FOR AVAILABILITY OF VOTER REGISTRATION FORMS; REQUIRING RETURN OR FORWARDING OF NOTICES OF REGISTRATION; PROVIDING FOR CANCELLATION OF VOTER REGISTRATION; PROVIDING FOR LISTS OF ACTIVE AND INACTIVE ELECTORS; PROVIDING FOR REACTIVATION OF ELECTOR'S NAMES FROM INACTIVE TO ACTIVE LISTS; AMENDING SECTIONS 1-2-112, 13-1-101, 13-1-203, 13-1-204, 13-2-203, 13-2-207, 13-2-402, 13-2-403, 13-2-512, AND 13-19-313, MCA; REPEALING SECTION 13-2-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because the bill gives the secretary of state authority to adopt administrative rules. [Section 12] requires the secretary of state to adopt rules providing alternative methods to be used by election administrators to ensure the maintenance of accurate voter registration rolls for elections. In adopting the alternatives, the secretary of state shall consider the recommendations of the federal election commission.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 1-2-112, MCA, is amended to read:

"**1-2-112. Statutes imposing new local government duties.** (1) ~~Any~~ Except as provided in this section, a law enacted by the legislature that requires a local government unit to perform an activity or provide a service or facility that requires the direct expenditure of additional funds must provide a specific means to finance the activity, service, or facility other than mill levies or the all-purpose mill levy. Any law

that fails to provide a specific means to finance any activity, service, or facility is not effective until specific means of financing are provided by the legislature from state or federal funds.

(2) The legislature may fulfill the requirements of this section by providing for an increase in the existing authorized mill levies, the all-purpose mill levy, special mill levies, or the remission of money by the state to local governments. However, an increase in the existing authorized mill levies, the all-purpose mill levy, or any special mill levy must provide an amount necessary to finance the additional costs, and if financing is provided by remission of funds by the state, the remission must bear a reasonable relationship to the actual cost of performing the activity or providing the service or facility.

(3) Subsequent legislation may not be considered to supersede or modify any provision of this section, whether by implication or otherwise, except to the extent that the legislation does so expressly.

(4) This section does not apply to:

(a) any law under which the required expenditure of additional local funds is an insubstantial amount that can be readily absorbed into the budget of an existing program. A required expenditure of the equivalent of approximately 0.1 mill or less levied on taxable property of the local government unit may be considered an insubstantial amount.

(b) a law necessary to implement the National Voter Registration Act of 1993, Public Law 103-31."

Section 2. Section 13-1-101, MCA, is amended to read:

"**13-1-101. Definitions.** As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means a qualified elector whose name is on the active list.

(2) "Active list" means a list of active electors maintained by an election administrator pursuant to [section 11].

(3) "Application for voter registration" means a completed voter registration card submitted to the election administrator and subject to confirmation, as provided in 13-2-207.

~~(1)~~(4) "Anything of value" means any goods that have a certain utility to the recipient that is real and that is ordinarily not given away free but is purchased.

~~(2)~~(5) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nomination or appointment as a candidate for public office as required by law;

(b) for the purposes of chapters 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

~~(3)~~(6) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residence for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, as long as the organization is not a primary political committee; or

(iv) filing fees paid by the candidate.

~~(4)~~(7) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

~~(5)~~(8) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

~~(6)~~(9) "Elector" means an individual qualified and registered to vote under state law.

~~(7)~~(10) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection ~~(3)~~ (6);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging, or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, as long as the organization is not a primary political committee.

(11) "Federal election" means a general election in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

~~(8)~~(12) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9, of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(13) "Inactive elector" means a qualified elector who is placed on an inactive list.

(14) "Inactive list" means a list of inactive electors maintained by an election administrator pursuant to [section 11].

~~(9)~~(15) "Individual" means a human being.

~~(10)~~(16) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35, 36, or 37, an issue becomes a "ballot issue" upon certification by the proper official that the legal procedure necessary for its qualification and placement upon the ballot has been completed, except

that a statewide issue becomes an "issue" upon approval by the secretary of state of the form of the petition or referral.

~~(11)~~(17) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection ~~(2)~~ (5) ~~of this section~~.

~~(12)~~(18) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

~~(13)~~(19) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

~~(14)~~(20) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

~~(15)~~(21) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(16)~~(22) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(17)~~(23) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

~~(18)~~(24) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Section 3. Section 13-1-203, MCA, is amended to read:

"**13-1-203. Chief election officer to advise, assist, and train.** The secretary of state shall advise and assist election administrators with regard to application, operation, and interpretation of Title 13, except for ~~chapters~~ chapter 35, 36, or 37, and the implementation and operation of the National Voter Registration Act of 1993, Public Law 103-31. The secretary of state shall hold at least one workshop every 2 years to provide training and assistance to election administrators. Election administrators must be reimbursed, from funds appropriated to the secretary of state, for their mileage and expenses for attending the workshops at the rates set for mileage and expenses in 2-18-501 through 2-18-503. At the discretion of the secretary of state and within the budget limits allowed for workshops, the workshops may be held in several sessions at separate locations in the state."

Section 4. Section 13-1-204, MCA, is amended to read:

"**13-1-204. Election records to be kept by secretary of state.** (1) The secretary of state shall maintain current and accurate records including:

(a) a list of all precincts in each county;

(b) a map showing the boundaries of all precincts in each county;

(c) a count of the number of registered voters in each precinct for the latest general election;

(d) a list of legislative districts, judicial districts, and any multicounty election districts, showing the precinct numbers of each county contained in each district and the number of registered voters in each district for the ~~latest~~ most recent general election;

(e) a count of votes cast at the ~~latest~~ most recent general election by precinct and by legislative, judicial, and multicounty districts; and

(f) records required to be submitted from local election administrators and other agencies and coordinated by the secretary of state pursuant to the National Voter Registration Act of 1993, Public Law 103-31.

(2) Each election administrator shall provide the information and map for the record required in subsection (1) in the form and at the time prescribed by the secretary of state.

(3) The records required in subsection (1) and all records in the secretary of state's office pertaining to elections ~~shall~~ must be open for public inspection during normal office hours."

Section 5. Section 13-2-203, MCA, is amended to read:

"**13-2-203. Registration by mail.** (1) A qualified individual may register by mailing, postage paid, a properly completed application for voter registration form to the election administrator in the county in which the individual resides.

(2) The election administrator shall send applications for voter registration forms for mail registrations to all qualified individuals requesting them and shall, in addition, arrange for the forms to be widely and conveniently available within the county. The secretary of state shall make applications for voter registration forms available to governmental entities, private entities, and organized voter registration efforts. The application for ~~mail~~ voter registration form must be designed as prescribed by the secretary of state. A form prescribed by the secretary of state explaining voter registration qualifications, deadlines, and purge information must be distributed with the application for ~~mail~~ voter registration form.

(3) The elector shall complete, sign, and return the application for ~~mail~~ voter registration form.

(4) The application for voter registration form must be received by the election administrator on or before the day of the close of registration and must be returned to the administrator no later than 15 days after the date it is signed.

(5) ~~Registration~~ Application for voter registration forms properly executed before the close of registration must be accepted for 3 days after the close of registration."

Section 6. Section 13-2-207, MCA, is amended to read:

"**13-2-207. ~~Notice~~ Confirmation of registration.** (1) The election administrator shall give or mail to each elector a notice, ~~affirming~~ confirming registration and giving the location of the elector's polling place. ~~Mailed notices must conform to postal regulations to ensure return, not forwarding, of undelivered notices.~~ A notice sent to an elector to whom the notice is not personally given must be sent by nonforwardable, first-class mail, which must conform to postal regulations to ensure address corrections are received. If the notice is returned undeliverable the application for voter registration may not be placed on the register of electors kept by the election administrator.

(2) The election administrator ~~must~~ shall investigate the reason for the return of any mailed notices ~~and correct the address on the registration form~~ and mail a ~~new~~ confirmation notice ~~or cancel the registration of the elector if a diligent effort fails to locate the elector named on the registration form~~ to the elector. The notice must conform to postal regulations to ensure return, not forwarding, of undelivered notices."

Section 7. Section 13-2-402, MCA, is amended to read:

"**13-2-402. ~~Other reasons~~ Reasons for cancellation.** The election administrator shall cancel the registration of an elector:

(1) at the written request of the registered elector;

(2) if a certificate of the death of the elector is filed or if the elector is reported as deceased by the department of public health and human services in the department's reports submitted to the county under 72-16-217;

(3) if the elector is of unsound mind as established by a court;

(4) if the incarceration of the elector in a penal institution for a felony conviction is legally established;

(5) if a certified copy of a court order directing the cancellation is filed with the election administrator;

(6) if the elector is successfully challenged and not allowed to vote at an election upon determination of an election judge; ~~or~~

(7) if a notice is received from another county or state that the elector has registered in that county or state; or

(8) if the elector fails to respond to certain confirmation mailings and fails to vote in two subsequent federal elections."

Section 8. Section 13-2-403, MCA, is amended to read:

"**13-2-403. Challenge of registration.** (1) Forty-five or more days before the close of registration for an election, three registered electors of a precinct may challenge the registration of an elector by filing affidavits giving the name of the elector whose registration is challenged, the address at which ~~he~~ the elector is registered, and a statement that the affiant has personal knowledge that the elector does not reside at the address where registered.

(2) No later than 3 days after the filing of affidavits as provided in subsection (1), the election administrator ~~must~~ shall send written notice to the elector whose registration is challenged, at the address shown on the registration form. The notice must state that registration will be ~~canceled~~ moved to the inactive list within 15 days of the filing of the affidavits unless the elector refutes the affidavits by submitting proof or a sworn statement that ~~he~~ the elector resides at the address given on ~~his~~ the

registration form.

(3) The election administrator must ~~cancel~~ move to the inactive list the registration of an elector whose registration is challenged under this section 15 days after the filing of the affidavits required in subsection (1) unless proof or a sworn statement as required in subsection (2) is received.

(4) If an elector proves or swears ~~he~~ that the elector resides at the address given on ~~his~~ the registration form after ~~his~~ the registration has been ~~canceled~~ moved to the inactive list as provided in this section, ~~he may reregister by completing a new registration form~~ the elector's registration must be moved to the active list. ~~Such~~ The registration ~~shall be~~ is effective for the next election even though the registration for that election is closed."

Section 9. Section 13-2-512, MCA, is amended to read:

"**13-2-512. Right to vote when precinct or name changed -- inactive elector -- change of status.** (1) An elector who has changed ~~his~~ residence to a different precinct within the same county and has failed to notify the election administrator of the change by a transfer or new registration form may vote in the precinct where ~~he~~ the elector is registered at the first election at which ~~he~~ the elector offers to vote after the change or at a central location designated by the election administrator unless ~~his~~ the elector's registration has been canceled as provided in ~~13-2-207, 13-2-401, or~~ 13-2-402.

(2) An elector who still ~~residing~~ resides in the same precinct where registered, whose name has changed, and who has failed to notify the election administrator of the change by a new registration form may vote under ~~his~~ the elector's former name at the first election at which ~~he~~ the elector offers to vote after the change unless ~~his~~ the elector's registration has been canceled as provided in ~~13-2-207, 13-2-401, or~~ 13-2-402.

(3) The elector ~~must~~ shall state ~~his~~ the elector's correct residence address and name when offering to vote and ~~must~~ shall complete a transfer form or new registration form to make the necessary correction before being allowed to sign the precinct register and vote.

(4) If an inactive elector appears to vote or votes by absentee ballot in a federal election, that elector must be allowed to vote and must be removed from the inactive list and placed on the active list."

Section 10. Section 13-19-313, MCA, is amended to read:

"**13-19-313. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after

receipt of an elector's return/verification envelope, the election administrator shall give notice to the elector, either by telephone or by first-class mail, if the election administrator:

(a) is unable to verify the elector's signature under 13-19-310; or

(b) has discovered a procedural mistake made by the elector that would invalidate ~~his~~ the elector's ballot under 13-19-311.

(2) The election administrator shall inform the elector that ~~he~~ the elector may appear in person at the election administrator's office prior to 8 p.m. on election day and verify the signature or correct the mistake.

(3) Any elector ~~so~~ appearing pursuant to subsection (2) must be permitted to:

(a) verify ~~his~~ the elector's signature, after proof of identification, by affirming that the signature is in fact ~~his~~ the elector's or by completing a new registration card containing ~~his~~ the elector's current signature;

(b) correct any minor mistake if the correction would render the ballot valid; or

(c) if necessary, request and receive a replacement ballot and vote it at that time.

(4) If a mail ballot is returned, the election administrator shall mail a confirmation notice provided for in 13-2-207. However, the notice must be sent by forwardable, first-class mail with a postage-paid, return-addressed notice. If the confirmation notice is returned to the election administrator, the elector must be placed on an inactive list until that elector becomes a qualified elector."

NEW SECTION. **Section 11. Active list and inactive list of electors to be maintained for federal election.** The election administrator of a county shall maintain a list of active electors and a list of inactive electors for the purposes of a federal election.

NEW SECTION. **Section 12. Maintenance of voter registration rolls for elections -- rules by secretary of state.** (1) The secretary of state shall adopt rules specifying a list of procedures from which an election administrator shall choose at least one procedure for the maintenance of accurate voter registration rolls for use in elections.

(2) The procedures specified by the secretary of state must include the following procedures, which an election administrator shall follow in every odd-numbered year:

(a) compare the entire list of registered electors against the national change of address files and

provide appropriate confirmation notice to those individuals whose addresses have apparently changed;

(b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to all registered electors of each jurisdiction to confirm their addresses and provide the appropriate confirmation notice to those individuals who return the notices;

(c) mail a targeted mailing to electors who have failed to vote by:

(i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable confirmation notice to those electors who appear to have moved from their addresses of record;

(ii) comparing the list of nonvoters against the national change of address files, followed by the appropriate confirmation notices to those electors who appear to have moved from their addresses of record;

(iii) sending forwardable confirmation notices; or

(iv) making a door-to-door canvass.

(3) Any notices returned to the election administrator after using the procedures provided in subsection (2) must be followed by an appropriate confirmation notice that is a forwardable, first-class, postage-paid, self-addressed, return notice. If the elector fails to respond within 30 days of the confirmation notice, the election administrator shall move the elector to the inactive list.

(4) A procedure used by an election administrator pursuant to this section must be completed at least 90 days before a primary or general election for federal office.

NEW SECTION. **Section 13. Agency-based registration.** (1) Qualified individuals must be given the opportunity to register to vote when applying for or receiving services or assistance:

(a) at an agency that provides public assistance;

(b) at or through an agency that provides state-funded programs primarily engaged in providing services to persons with disabilities; or

(c) at another agency designated by the secretary of state with the consent of the agency.

(2) Agency-based registration sites must:

(a) distribute application for voter registration forms with each application for services or assistance; and

(b) assist an applicant in completing an application for voter registration form, unless the applicant refuses assistance.

(3) The completed application for voter registration form must be transmitted by the agency to the election administrator of the county of the elector's residence within the time period specified by 42 U.S.C. 1973gg, et seq.

(4) As used in this section, the following definitions apply:

(a) "Agency" means a state agency as defined in 2-4-102(1)(a) or an office of a political subdivision.

(b) "Political subdivision" means a city, county, consolidated city-county government, or a town.

NEW SECTION. **Section 14. Reactivation of elector.** (1) The name of an elector must be moved by an election administrator from the inactive list to the active list of a county if an elector meets the requirements for registration provided in this chapter and:

(a) appears in order to vote in a federal election; or

(b) notifies the county election administrator of the elector's current residence, which must be in that county.

(2) After an elector has complied with either subsection (1)(a) or (1)(b), the county election administrator shall place the elector's name on the active voting list for that county.

NEW SECTION. **Section 15. Electors not voting in 1996 general election -- placement on inactive voting list.** Election administrators shall place the name of electors who did not vote in the 1996 general election on the inactive voting list provided for in [section 11].

NEW SECTION. **Section 16. Repealer.** Section 13-2-401, MCA, is repealed.

NEW SECTION. **Section 17. Codification instruction.** [Sections 11 through 14] are intended to be codified as an integral part of Title 13, chapter 2, part 2, and the provisions of Title 13, chapter 2, part 2, apply to [sections 11 through 14].

NEW SECTION. **Section 18. Effective date.** [This act] is effective on passage and approval.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0361, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:
A bill for an act implementing the National Voter Registration Act.

ASSUMPTIONS:
The Department of Commerce and the Office of the Secretary of State anticipate no fiscal impact from SB 361.

FISCAL IMPACT:
None

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:
The major cost will be postage and printing. An estimated 173,000 registered voters who did not vote in the presidential election are the people who will be noticed. It will cost approximately $1 per person for notices and return envelopes to those registered voters who did not vote and who will go on the inactive list. Every four-year cycle the cost will be about $173,000 statewide.

Dave Lewis 2-19-97

DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

STEVE BENEDICT, PRIMARY SPONSOR DATE

Fiscal Note for SB0361, as introduced

SB 361

SENATE STATE ADMINISTRATION

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
SB0264	MILLER, KEN 2/03	2/11	AUTHORIZING GOVERNOR TO JOIN WESTERN GOVERNORS' UNIVERSITY	DO PASS 2/13 VOTE: 6-0		2/14
SB0268	KEATING, THOMAS 2/03	2/12	REPEAL MONTANA STATE LOTTERY	DO PASS 2/19 VOTE: 4-2		2/20
SB0269	BARTLETT, SUE 2/03	2/11	AUTHORIZE STUDY OF SEPARATE PAY PLAN FOR "PROTECTIVE SERVICES PROFESSIONALS"	PASS AS AMENDED 2/13 VOTE: 6-0		2/14
SB0271	JENKINS, LOREN 2/03	2/10	DELAYED EFFECTIVE DATE FOR RULE OBJECTED TO BY ADMINISTRATIVE CODE COMMITTEE	DO PASS 2/11 VOTE: 4-1		2/11
SB0296	JERGESON, GREG 2/07	2/13	ALLOW PURCHASE OF MSU EXTENSION SERVICE FOR RETIREMENT UNDER TRS	DO PASS 2/18 VOTE: 6-0		2/19
SB0320	BROOKE, VIVIAN 2/10	2/14	ESTABLISHING THE MONTANA GOVERNMENT ACCOUNTABILITY ACT	DO PASS 2/21 VOTE: 5-1		2/21
SB0330	VAN VALKENBURG, FRED 2/11	2/17	ACCUMULATED SICK LEAVE TO PURCHASE RETIREMENT SERVICE CREDIT	TABLED ON 02/21 VOTE: 6-0		
SB0340	GROSFIELD, LORENTS 2/12	2/18	REVISE LAWS GOVERNING BALLOT ISSUES	PASS AS AMENDED 2/19 VOTE: 6-0		2/21
SB0344	HARP, JOHN 2/13	2/18	REQUIRE SECRETARY OF STATE TO COMPILE STATE LIST OF ELECTORS	PASS AS AMENDED 2/18 VOTE: 6-0		2/19
SB0359	TOEWS, DARYL 2/14	2/19	POTENTIAL SALE OF STATE LAND IN DANIELS COUNTY; FUNDS TO ASSIST EXCHANGES	PASS AS AMENDED 2/20 VOTE: 4-2		2/21
SB0361	BENEDICT, STEVE 2/14	2/19	IMPLEMENT NATIONAL VOTER REGISTRATION ACT	DO PASS 2/19 VOTE: 6-0		2/20
SB0366	BARTLETT, SUE 2/15	2/20	VOTER CONTACT AND ELECTORAL REFORM ACT FOR U.S. CONGRESSIONAL CANDIDATES	TABLED ON 02/21 VOTE: 5-1		

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN DON HARGROVE**, on February 19, 1997, at 10:01 a.m., in Room 331.

ROLL CALL

Members Present:
Sen. Don Hargrove, Chairman (R)
Sen. Kenneth "Ken" Mesaros, Vice Chairman (R)
Sen. Vivian M. Brooke (D)
Sen. Delwyn Gage (R)
Sen. Fred Thomas (R)
Sen. Bill Wilson (D)

Members Excused: None

Members Absent: None

Staff Present: David Niss, Legislative Services Division
Mary Morris, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted: SB 359, SB 361 - 2/15/97
Executive Action: SB 361, SB 268, SB 340, SJR 6

HEARING ON SB 359

Sponsor: **SEN. DARYL TOEWS, Senate District 48, Lustre**

Proponents: **Jim Richard, Montana Wildlife Federation**

Opponents: **Sharon Kindle, Women Involved in Farm Economics**

Opening Statement by Sponsor:

SEN. TOEWS presented written material. **EXHIBIT 1.** He stated that the problem faced by Daniels County is the shear amount of acreage it has. Sections 16 and 36 were given to school trust lands under the Enabling Act. Also, the development of the Fort Peck Indian reservation caused a heavy concentration of state land in Daniels County. These events have created tax problems for the county, particularly in smaller school districts.

CHAIRMAN HARGROVE asked whether, theoretically, someone from an out of state development corporation could buy the land and turn it into a golf course.

SEN. TOEWS stated there are already over 3 million acres for sale in Montana, so the likelihood of an out-of-state developer wanting to buy land in Daniels County is unimaginable.

CHAIRMAN HARGROVE asked **SEN. TOEWS** if he has requested a fiscal note.

SEN. TOEWS stated that there is a fiscal note, but he has not seen it.

{Tape: 1; Side: A; Approx. Time Count: 10:32; Comments: None.}

Closing by Sponsor:

SEN. TOEWS stated that SB 359 is a downsized version of many ideas. Purchasing the land would not be mandatory. The bill would give the state a tool for better management of state lands and could provide funding for Virginia City.

{Tape: 1; Side: A; Approx. Time Count: 10:33; Comments: None.}

HEARING ON SB 361

Sponsor: **SEN. STEVE BENEDICT, Senate District 30, Hamilton**

Proponents: **Robert Throssell, Montana Association of Clerk & Recorders**
Joe Kerwin, Secretary of State's Office
Shelley Cheney, Gallatin County Clerk and Recorder
Gail Davis, Glacier County Election Administrator
Sue Haverfield, Flathead County Clerk and Recorder
Betty T. Lund, Ravalli County Clerk and Recorder
Duane Winslow, Yellowstone County Election Administrator
Mike Mathew, Montana Association of Counties

Opponents: None

Opening Statement by Sponsor:

SEN. BENEDICT stated that he brings the bill before the committee rather reluctantly. The proposal was imposed by the federal government. The bill did not pass the 54th Legislature, partly because of the fiscal note. Other states that have not implemented the National Voter Registration Act have found themselves in court and have lost every case.

He summarized the bill. A new section of law would provide new registering opportunities for those people who apply for public assistance.

{Tape: 1; Side: A; Approx. Time Count: 10:36; Comments: None.}

Proponents' Testimony:

Robert Throssell, Montana Association of Clerk & Recorders, stated that the clerk and recorders are the election administrators in most counties. In 1994, **REP. GEORGE HEAVY RUNNER** carried a bill by the Secretary of State's Office which would have implemented more extensive procedures than were necessary in Montana. The bill did not pass. SB 361 would help local election administrators comply with state and federal law.

Joe Kerwin, Secretary of State's Office, supported the bill.

Shelley Cheney, Gallatin County Clerk and Recorder, stated that SB 361 would allow election administrators throughout the state to follow the requirements of NVRA. Montana laws and rules already address voter registration by the Motor Vehicle Division. There are provisions for mail registration and agency registration. The NVRA requires procedures to cancel voters. SB 361 will create a Montana law that would give local control to the election administrators to follow those procedures.

Gail Davis, Glacier County Election Administrator, stated that SB 361 would make the election administrators' job much easier as they would be in compliance with the NVRA. The bill would bring control back to the state and counties. Parts of the NVRA have already been implemented, so the steps are already in place to continue.

Sue Haverfield, Flathead County Clerk and Recorder, stated that clerk and recorders appeared to oppose this legislation in 1995 and have incorporated amendments made at that time into this bill.

Betty T. Lund, Ravalli County Clerk and Recorder, presented written testimony. **EXHIBIT 2.**

Duane Winslow, Yellowstone County Election Administrator, stated the title of the bill is somewhat misleading because a majority of the NVRA is already in effect in Montana. The bill will complete the small percentage of work that needs to be done. The bill reduces a massive federal act to simple procedures that can be implemented at the local level.

{Tape: 1; Side: A; Approx. Time Count: 10:43; Comments: END OF SIDE 1.}

Failure to pass the bill would likely result in the federal government dictating what procedures must be used for federal elections. When the federal government steps in to administer a program, cost and efficiency generally rise while efficiency and clarity decline.

Local governments pay the bills and know what parameters exist. SB 361 will keep Montana elections in the hands of Montanans.

Mike Mathew, President of Montana Association of Counties, stated that the commissioners stand behind the hard work done by the clerk and recorders in preparing this bill.

{Tape: 1; Side: A; Approx. Time Count: 10:45; Comments: None.}

Opponents' Testimony: None

Questions From Committee Members and Responses:

SEN. FRED THOMAS clarified that this bill would allow clerk and recorders to take individuals who had missed two general elections off the registration list. He asked how this would be done under the new law.

Ms. Lund explained that two notices would be sent. If the first notice come back, a second notice including a postage paid envelope would be sent. After two federal elections, those who had returned both notices would be purged from the list.

SEN. MESAROS referred to page 10, Section 12 of the bill. He asked what the mandate is and what the cost would be to the Secretary of State's Office.

Joe Kerwin responded that there would be a minimal cost to the state.

Ms. Lund responded that after the presidential election, 175,000 voters were canceled from the state. They estimated the cost to be $1 per voter. However, the process takes place over a four year period. If SB 361 is not passed, the state will still have to do everything required in the bill and the list of requirements from the federal government will be considerably longer than the bill.

SEN. GAGE asked for the definition of an inactive elector.

Mr. Winslow explained that in the past, names were purged from the list after a presidential election. With SB 361, the names would be put on a list of inactive electors and would not be purged from the list until the confirmation process is finished. Inactive electors are people who are registered to vote in Montana, but who did not vote in the presidential election.

SEN. GAGE asked why a mailed notice to an elector would not be forwardable.

Mr. Winslow explained that nonforwardable notices would help counties determine if the address is correct.

SEN. GAGE expressed concern that someone just moving down the street would not receive the notice and would therefore not have the opportunity to provide the correct address.

Mr. Winslow explained that the process in question would be for someone who registers by mail. The person would still be registered even if he/she did not receive the notice.

SEN. GAGE asked if there would be any problem coordinating the provisions SB 361 with HB 76.

Mr. Throssell responded that HB 76 would allow a process to update addresses. With SB 361, the mailings would go out only to someone on the inactive list. With the mail ballot procedure, if someone missed an election and was put on the inactive list, he/she would not be entitled to vote on state mail-elections. The active list contemplated under SB 361 would have the most current address.

SEN. GAGE asked if the federal government has given a deadline for having the provisions implemented.

Mr. Throssell responded that the deadline has already passed.

CHAIRMAN HARGROVE asked what the bill would mean at the county level in terms of trouble, expense and effort.

Mr. Throssell explained that there would be an additional burden on the election administrators. Counties are working with the Secretary of State's Office and the legislature to ensure that elections are sound and cost effective. SB 361 will allow local flexibility which is key as Montana is a diverse state.

There would be an expense for computer maintenance and printing of the lists. Someone on the inactive list would be able to vote in the federal election, but not the sate. A system providing for this would also be an expense. Some counties could work this into their system easily while others could not, so the expense would vary. Being able to see the expense coming would help the adjustment process.

CHAIRMAN HARGROVE noted that this would be an unfunded mandate. He asked whether it should be funded by the state.

Mr. Throssell agreed it is an unfunded mandate from the federal government, but noted that it is in relation to federal elections. The cost of implementation would be a trade-off for having local control.

Mr. Mathew commented that there is unfunded mandate legislation, attached last time, and an amount of 1/10th of a mill. There is an unfunded mandate, but it does not hit the cap of the legislative issue that has already been dealt with. The federal level will not give any consideration.

SEN. GAGE cited page 6, lines 1-4 and noted that the bill would provide that the Secretary of State's Office could choose not to help the election administrators in implementing the provisions.

Mr. Kerwin clarified that the Secretary of State's chief election officer would advise the counties and the counties could then accept or disregard the advice.

Mr. Winslow further clarified that the Secretary of State would not advise counties on chapters 35, 36 and 37 of Title 13, which are the elections laws.

David Niss, Legislative Services Division, agreed with **Mr. Winslow's** interpretation.

{Tape: 1; Side: B; Approx. Time Count: 11:03; Comments: None.}

Closing by Sponsor:

SEN. BENEDICT stated that the fiscal note is not ready due to the late appearance of the bill. He estimates the cost to his county would be $6,500 over a four year period. **Ms. Lund,** the election administrator for his county, has received approval for the budget from the county commissioners. Many, if not all, clerk and recorders are also preparing for the cost because they support the bill. Although the provisions in the bill will be unpleasant to implement, the alternative would be worse.

{Tape: 1; Side: B; Approx. Time Count: 11:05; Comments: None.}

EXECUTIVE ACTION ON SJR 6

Motion/Vote: **SEN. THOMAS** moved that **SJR 6 BE ADOPTED.** The motion **CARRIED UNANIMOUSLY.**

{Tape: 1; Side: B; Approx. Time Count: 11:11; Comments: None.}

EXECUTIVE ACTION ON SB 268

Amendments: Contingency Voidness Clause

Motion: **SEN. GAGE** moved that **SB 268 DO PASS.**

Discussion:

Substitute Motion: **SEN. WILSON** moved that **AMENDMENT 9 OF SB034001.ADN BE ADOPTED.**

Discussion:

SEN. THOMAS supported the amendment.

SEN. GAGE stated that the initiative process is far inferior to the legislative process. He would like to discourage people from proposing initiatives. Although it is very unlikely the legislature would do something of which the public overwhelmingly disapproves, the possibility exists and initiatives do serve a purpose in those cases.

SEN. MESAROS opposed the amendment.

Vote: The motion **CARRIED** with **SEN. MESAROS** and **SEN. GAGE** opposed.

Discussion:

SEN. BROOKE referred to the new language in Section 4, lines 26 & 27 and asked if it is now acceptable to have facsimile copies or electronic transmissions.

CHAIRMAN HARGROVE recalled that the issue was not addressed.

Motion/Vote: **SEN. BROOKE** moved that **SB 340 DO PASS AS AMENDED.** The motion **CARRIED UNANIMOUSLY.**

{Tape: 2; Side: A; Approx. Time Count: 11:53; Comments: None.}

EXECUTIVE ACTION ON SB 361

Motion/Vote: **SEN. THOMAS** and **SEN. BROOKE** moved that **SB 361 DO PASS.** The motion **CARRIED UNANIMOUSLY.**

COMMITTEE DISCUSSION ON SB 359

SEN. MESAROS stated he may propose an amendment to put a floor on the amount of land that can be sold.

SEN. THOMAS stated that having the land tied up is an injustice to the Daniels County.

MONTANA SENATE
1997 LEGISLATURE
STATE ADMINISTRATION COMMITTEE

ROLL CALL DATE 3-19-97

NAME	PRESENT	ABSENT	EXCUSED
VIVIAN BROOKE	✓		
DEL GAGE	✓		
FRED THOMAS	✓		
BILL WILSON	✓		
KEN MESAROS, VICE CHAIRMAN	✓		
DON HARGROVE, CHAIRMAN	✓		

HOUSE STATE ADMINISTRATION

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
SB0180	DOHERTY, STEVE		CLARIFY APPLICABILITY OF MAIL BALLOT TO CERTAIN ELECTIONS			
	2/08	3/04		CONCUR 3/05 VOTE: 15-1		3/06
SB0220	SWYSGOOD, CHARLES		CREATE THE MONTANA CONSENSUS COUNCIL IN STATUTE			
	2/22	3/06		CONCUR 3/07 VOTE: 14-2		3/08
SB0271	JENKINS, LOREN		DELAYED EFFECTIVE DATE FOR RULE OBJECTED TO BY ADMINISTRATIVE CODE COMMITTEE			
	2/21	3/05		CONCUR 3/20 VOTE: 11-0		
SB0296	JERGESON, GREG		ALLOW PURCHASE OF MSU EXTENSION SERVICE FOR RETIREMENT UNDER TRS			
	3/03	3/06		CONCUR 3/27 VOTE: 13-3		
SB0311	MCCARTHY, BEA		REVISE ABSENTEE BALLOT PROCEDURE TO PROVIDE FOR SECRECY			
	3/03	3/06		CONCUR 3/20 VOTE: 12-2		
SB0325	CRISMORE, WILLIAM		ALLOW NONCOAL MINE INSPECTIONS BY FEDERAL ONLY			
	3/17	3/27		CONCUR AS AMENDED 3/27 VOTE: 15-1		
SB0338	GROSFIELD, LORENTS		REQUIRE LICENSURE OF CERTAIN OUTFITTING & GUIDE FACILITIES & GUEST RANCHES			
	3/17	3/27		CONCUR AS AMENDED 3/27 VOTE: 16-0		
SB0340	GROSFIELD, LORENTS		REVISE LAWS GOVERNING BALLOT ISSUES			
	3/03	3/07		CONCUR AS AMENDED 3/21 VOTE: 10-5		
SB0344	HARP, JOHN		REQUIRE SECRETARY OF STATE TO COMPILE STATE LIST OF ELECTORS			
	3/03	3/07		CONCUR AS AMENDED 3/20 VOTE: 14-0		
SB0361	BENEDICT, STEVE		IMPLEMENT NATIONAL VOTER REGISTRATION ACT			
	3/03	3/11		CONCUR AS AMENDED 3/20 VOTE: 11-3		
SB0367	BARTLETT, SUE		CAMPAIGN CONTRIBUTION AND EXPENDITURE LIMITATIONS FOR STATE OFFICES			
	3/03	3/11		TABLED ON 03/27 VOTE: 10-6		
SJ0004	JERGESON, GREG		INTERIM STUDY OF FAMILY FARMING AND RANCHING: BARRIERS; OPPORTUNITIES; REPT.			
	3/03	3/11		3/27 VOTE:		

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MATT DENNY**, on March 11, 1997, at 9:00 a.m., in room 420.

ROLL CALL

Members Present:

Rep. Matt Denny, Chairman (R)
Rep. Matt Brainard, Vice Chairman (Majority) (R)
Rep. Antoinette R. Hagener, Vice Chairman (Minority) (D)
Rep. Darrel Adams (R)
Rep. Haley Beaudry (R)
Rep. Tim Dowell (D)
Rep. Harriet Hayne (R)
Rep. George Heavy Runner (D)
Rep. Sam Kitzenberg (R)
Rep. Norm Mills (R)
Rep. Doug Mood (R)
Rep. William Rehbein, Jr. (R)
Rep. Trudi Schmidt (D)
Rep. Dorothy C. Simpson (D)
Rep. Allan Walters (R)

Members Excused: Rep. Bill Whitehead (D)

Members Absent: None.

Staff Present: Sheri Heffelfinger, Legislative Services Division
Keri Burkhardt, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: SJ 6, SB 361, SB 367; (3/5/97)
Executive Action: None.

HEARING ON SJ 6

Opening Statement by Sponsor: SEN. FRED THOMAS, S.D. 31.
{Tape: 1; Side: a; Approx. Time Count: .1; Comments: None.}

Proponents' Testimony:
Mike Cooney, Secretary of State.
{Tape: 1; Side: a; Approx. Time Count: 2.9; Comments: None.}

Questions From Committee Members and Responses:
Betty Lund, Clerk and Recorder, Election Administrator, Ravalli County.
{Tape: 1; Side: a; Approx. Time Count: 4.1 through 16.5; Comments: None.}

Closing by Sponsor: SEN. THOMAS closes.
{Tape: 1; Side: a; Approx. Time Count: 14.4; Comments: None.}

HEARING ON SB 361

Opening Statement by Sponsor: SEN. STEVE BENEDICT, S.D. 30.
{Tape: 1; Side: a; Approx. Time Count: 17.6; Comments: None.}

Proponents' Testimony:
Robert Throssell, Montana Association of Clerks and Recorders.
{Tape: 1; Side: a; Approx. Time Count: 20.2; Comments: None.}

Joe Kerwin, Deputy of Elections and Legislative Bureau, Secretary of State.
{Tape: 1; Side: a; Approx. Time Count: 22.2; Comments: None.}

Duane Winslow, Election Administrator, Yellowstone County.
{Tape: 1; Side: a; Approx. Time Count: 23; Comments: None.}

Betty Lund, Clerk and Recorder, Election Administrator, Ravalli County.
{Tape: 1; Side: a; Approx. Time Count: 24.1; Comments: None.}

Sue Haverfield, Clerk and Recorder, Election Administrator, Flathead County.
{Tape: 1; Side: a; Approx. Time Count: 26.7; Comments: None.}

Gail Davis, Election Administrator, Glacier County.
{Tape: 1; Side: a; Approx. Time Count: 28.2; Comments: None.}

Questions From Committee Members and Responses:
{Tape: 1; Side: a; Approx. Time Count: 29 through 11.2 (1/b); Comments: None.}

Closing by Sponsor: SEN. BENEDICT closes.
{Tape: 1; Side: b; Approx. Time Count: 11.2; Comments: None.}

HEARING ON SB 367

Opening Statement by Sponsor: SEN. SUE BARTLETT S.D. 27.
EXHIBIT 1,2,3.
{Tape: 1; Side: b; Approx. Time Count: 15.4; Comments: None.}

3-11-97

ROLL CALL

NAME	PRESENT	ABSENT	EXCUSED
Rep. Matt Brainard	X		
Rep. Harriet Hayne	X		
Rep. Darrel Adams	X		
Rep. Haley Beaudry	X		
Rep. William Rehbein, Jr.	X		
Rep. Sam Kitzenberg	X		
Rep. Allan Walters	X		
Rep. Norm Mills	X		
Rep. Tim Dowell	X		
Rep. Doug Mood	X		
Rep. Trudi Schmidt	X		
Rep. Bill Whitehead			
Rep. George Heavy Runner	X		
Rep. Dorothy C. Simpson	X		
Rep. Antoinette R. Hagener	X		
Rep. Matt Denny	X		

Please Sign in

VISITOR REGISTER

HOUSE STATE ADMINISTRATION COMMITTEE

DATE: 3-11-97

BILL NO: SB 361 **SPONSOR:** Benedict

NAME AND ADDRESS (PLEASE PRINT)	REPRESENTING	TYPE OF WITNESS		
		Informational	Support	Oppose
Sue Hauerfield	Flathead County		X	
Gail Davis	Glacier County		X	
Diane Mellem	Hill County		X	
Janet R. Parkins	Stillwater County		X	
Duane Winslow	Yellowstone County		X	
Robert Throssell	MT Assoc Clerk & Recorders		X	
Betty T Lund	Ravalli, Co.		X	
Joe Kervin	Sec. of State		X	

Please leave prepared testimony with secretary.
Witness statement forms are available if you care to submit written testimony.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON STATE ADMINISTRATION

Call to Order: By **CHAIRMAN MATT DENNY**, on March 20, 1997, at 9:00 a.m., in room 420.

ROLL CALL

Members Present:

Rep. Matt Denny, Chairman (R)
Rep. Matt Brainard, Vice Chairman (Majority) (R)
Rep. Darrel Adams (R)
Rep. Tim Dowell (D)
Rep. Harriet Hayne (R)
Rep. George Heavy Runner (D)
Rep. Sam Kitzenberg (R)
Rep. Norm Mills (R)
Rep. Doug Mood (R)
Rep. William Rehbein, Jr. (R)
Rep. Trudi Schmidt (D)
Rep. Dorothy C. Simpson (D)
Rep. Allan Walters (R)
Rep. Bill Whitehead (D)

Members Excused: None.

Members Absent: Rep. Antoinette R. Hagener, Vice Chairman and Rep. Haley Beaudry.

Staff Present: Sheri Heffelfinger, Legislative Services Division
Keri Burkhardt, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: None.
Executive Action: SB 271, SB 311, SB 344, SB 361, SJ 6, and SJ 10.

EXECUTIVE ACTION ON SB 271

Motion: REP. HAYNE MOVED DO CONCUR.
{Tape: 1; Side: a; Approx. Time Count: .4; Comments: None.}

Vote: REP. ADAMS CALLED THE QUESTION. Motion carried 11-0.
{Tape: 1; Side: a; Approx. Time Count: 5.8; Comments: None.}

EXECUTIVE ACTION ON SB 311

Motion: REP. SIMPSON MOVED DO CONCUR.
{Tape: 1; Side: a; Approx. Time Count: 6.7; Comments: None.}

Vote: REP. DOWELL CALLED THE QUESTION. Motion carried 12-2. Rep. Rehbein and Rep. Walters voted no.
{Tape: 1; Side: a; Approx. Time Count: 15.3; Comments: None.}

EXECUTIVE ACTION ON SB 344

Amendments: sb034401.ash and sb034402.ash.

Motion: REP. WHITEHEAD MOVED DO CONCUR.
{Tape: 1; Side: a; Approx. Time Count: 16.3; Comments: None.}

Motion: REP. DENNY MOVED TO AMEND (conceptual).
{Tape: 1; Side: a; Approx. Time Count: 24.4; Comments: None.}

Motion: REP. DENNY MOVED TO AMEND THE AMENDMENT.
{Tape: 1; Side: a; Approx. Time Count: 25.1; Comments: None.}

Motion: Motion carried 14-0.
{Tape: 1; Side: a; Approx. Time Count: 26.3; Comments: None.}

Motion: REP. DENNY MOVED TO AMEND (sb034401.ash).
{Tape: 1; Side: a; Approx. Time Count: 26.4; Comments: None.}

Vote: REP. DENNY CALLED THE QUESTION. Motion carried 14-0.
{Tape: 1; Side: a; Approx. Time Count: 29.1; Comments: None.}

Motion: REP. ADAMS MOVED DO CONCUR AS AMENDED.
{Tape: 1; Side: a; Approx. Time Count: 29.3; Comments: None.}

Vote: REP. SIMPSON CALLED THE QUESTION. Motion carried 14-0.
{Tape: 1; Side: a; Approx. Time Count: 30; Comments: None.}

EXECUTIVE ACTION ON SB 361

Motion: REP. BRAINARD MOVED DO CONCUR.
{Tape: 1; Side: a; Approx. Time Count: 30.6; Comments: None.}

Vote: REP. MILLS CALLED THE QUESTION. Motion carried 11-3. Rep. Adams , Rep. Mood, Rep. Rehbein voted no.
{Tape: 1; Side: b; Approx. Time Count: 2.7; Comments: None.}

EXECUTIVE ACTION ON SJ 6

Motion: REP. KITZENBERG MOVED DO CONCUR.
{Tape: 1; Side: b; Approx. Time Count: 3.2; Comments: None.}

Motion: REP. REHBEIN MOVED TO TABLE. Motion carried 14-0.
{Tape: 1; Side: b; Approx. Time Count: 6.2; Comments: None.}

3-20-97

ROLL CALL

NAME	PRESENT	ABSENT	EXCUSED
Rep. Matt Brainard	X		
Rep. Harriet Hayne	X		
Rep. Darrel Adams	X		
Rep. Haley Beaudry		X	
Rep. William Rehbein, Jr.	X		
Rep. Sam Kitzenberg	X		
Rep. Allan Walters	X		
Rep. Norm Mills	X		
Rep. Tim Dowell	X		X
Rep. Doug Mood	X		
Rep. Trudi Schmidt	X		
Rep. Bill Whitehead	X		
Rep. George Heavy Runner	X		
Rep. Dorothy C. Simpson	X		
Rep. Antoinette R. Hagener		X	
Rep. Matt Denny	X		

14 present

HOUSE STANDING COMMITTEE REPORT

March 20, 1997

Mr. Speaker: We, the committee on **State Administration** report that **Senate Bill 361** (third reading copy -- blue) **be concurred in**.

Signed: Matt Denny
Matt Denny, Chair

Carried by: Rep. Brainard

3-20-97

Committee Vote:
Yes 11, No 3.

611103SC.Hgd

SENATE BILL NO. 361

INTRODUCED BY BENEDICT

A BILL FOR AN ACT ENTITLED: "AN ACT IMPLEMENTING THE NATIONAL VOTER REGISTRATION ACT; REQUIRING THE SECRETARY OF STATE TO ASSIST ELECTION ADMINISTRATORS WITH THE IMPLEMENTATION OF THE NATIONAL VOTER REGISTRATION ACT; REQUIRING THE SECRETARY OF STATE TO ADOPT RULES PROVIDING PROCEDURES FOR AGENCY-BASED REGISTRATION; REQUIRING THE SECRETARY OF STATE TO MAKE APPLICATIONS FOR VOTER REGISTRATION FORMS AVAILABLE; PROVIDING ADDITIONAL LOCATIONS FOR AVAILABILITY OF VOTER REGISTRATION FORMS; REQUIRING RETURN OR FORWARDING OF NOTICES OF REGISTRATION; PROVIDING FOR CANCELLATION OF VOTER REGISTRATION; PROVIDING FOR LISTS OF ACTIVE AND INACTIVE ELECTORS; PROVIDING FOR REACTIVATION OF ELECTOR'S NAMES FROM INACTIVE TO ACTIVE LISTS; AMENDING SECTIONS 1-2-112, 13-1-101, 13-1-203, 13-1-204, 13-2-203, 13-2-207, 13-2-402, 13-2-403, 13-2-512, AND 13-19-313, MCA; REPEALING SECTION 13-2-401, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because the bill gives the secretary of state authority to adopt administrative rules. [Section 12] requires the secretary of state to adopt rules providing alternative methods to be used by election administrators to ensure the maintenance of accurate voter registration rolls for elections. In adopting the alternatives, the secretary of state shall consider the recommendations of the federal election commission AND CONSULT WITH COUNTY ELECTION ADMINISTRATORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 1-2-112, MCA, is amended to read:

"**1-2-112. Statutes imposing new local government duties.** (1) ~~Any~~ Except as provided in this section, a law enacted by the legislature that requires a local government unit to perform an activity or provide a service or facility that requires the direct expenditure of additional funds must provide a specific

means to finance the activity, service, or facility other than mill levies or the all-purpose mill levy. Any la that fails to provide a specific means to finance any activity, service, or facility is not effective until specifi means of financing are provided by the legislature from state or federal funds.

(2) The legislature may fulfill the requirements of this section by providing for an increase in the existing authorized mill levies, the all-purpose mill levy, special mill levies, or the remission of money by the state to local governments. However, an increase in the existing authorized mill levies, the all-purpose mil levy, or any special mill levy must provide an amount necessary to finance the additional costs, and i financing is provided by remission of funds by the state, the remission must bear a reasonable relationshi to the actual cost of performing the activity or providing the service or facility.

(3) Subsequent legislation may not be considered to supersede or modify any provision of thi section, whether by implication or otherwise, except to the extent that the legislation does so expressly

(4) This section does not apply to:

(a) any law under which the required expenditure of additional local funds is an insubstantial amount that can be readily absorbed into the budget of an existing program. A required expenditure of th equivalent of approximately 0.1 mill or less levied on taxable property of the local government unit may b considered an insubstantial amount.

(b) a law necessary to implement the National Voter Registration Act of 1993, Public Law 103-31."

Section 2. Section 13-1-101, MCA, is amended to read:

"13-1-101. Definitions. As used in this title, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Active elector" means a qualified elector whose name is on the active list.

(2) "Active list" means a list of active electors maintained by an election administrator pursuan to [section 11].

(3) "Application for voter registration" means a completed voter registration card submitted to the election administrator and subject to confirmation, as provided in 13-2-207.

~~(1)~~(4) "Anything of value" means any goods that have a certain utility to the recipient that is rea and that is ordinarily not given away free but is purchased.

~~(2)~~(5) "Candidate" means:

(a) an individual who has filed a declaration or petition for nomination, acceptance of nominatio

or appointment as a candidate for public office as required by law;

(b) for the purposes of chapters 35, 36, or 37, an individual who has solicited or received and retained contributions, made expenditures, or given consent to an individual, organization, political party, or committee to solicit or receive and retain contributions or make expenditures on the individual's behalf to secure nomination or election to any office at any time, whether or not the office for which the individual will seek nomination or election is known when the:

(i) solicitation is made;

(ii) contribution is received and retained; or

(iii) expenditure is made; and

(c) an officeholder who is the subject of a recall election.

~~(3)~~(6) (a) "Contribution" means:

(i) an advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(ii) a transfer of funds between political committees;

(iii) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee.

(b) "Contribution" does not mean:

(i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residence for a candidate or other individual;

(ii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation;

(iii) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, as long as the organization is not a primary political committee; or

(iv) filing fees paid by the candidate.

~~(4)~~(7) "Election" means a general, regular, special, or primary election held pursuant to the requirements of state law, regardless of the time or purpose.

~~(5)~~(8) "Election administrator" means the county clerk and recorder or the individual designated by a county governing body to be responsible for all election administration duties, except that with regard to school elections, the term means the school district clerk.

~~(6)~~(9) "Elector" means an individual qualified and registered to vote under state law.

~~(7)~~(10) (a) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge or gift of money or anything of value made for the purpose of influencing the results of an election.

(b) "Expenditure" does not mean:

(i) services, food, or lodging provided in a manner that they are not contributions under subsection ~~(3)~~ (6);

(ii) payments by a candidate for a filing fee or for personal travel expenses, food, clothing, lodging or personal necessities for the candidate and the candidate's family;

(iii) the cost of any bona fide news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication of general circulation; or

(iv) the cost of any communication by any membership organization or corporation to its members or stockholders or employees, as long as the organization is not a primary political committee.

(11) "Federal election" means a general election in which an elector may vote for individuals for the office of president of the United States or for the United States congress.

~~(8)~~(12) "General election" or "regular election" means an election held for the election of public officers throughout the state at times specified by law, including elections for officers of political subdivisions when the time of the election is set on the same date for all similar political subdivisions in the state. For ballot issues required by Article III, section 6, or Article XIV, section 8, of the Montana constitution to be submitted by the legislature to the electors at a general election, "general election" means an election held at the time provided in 13-1-104(1). For ballot issues required by Article XIV, section 9 of the Montana constitution to be submitted as a constitutional initiative at a regular election, regular election means an election held at the time provided in 13-1-104(1).

(13) "Inactive elector" means a qualified elector who is placed on an inactive list.

(14) "Inactive list" means a list of inactive electors maintained by an election administrator pursuant to [section 11].

~~(9)~~(15) "Individual" means a human being.

~~(10)~~(16) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection, including but not limited to initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question. For the purposes of chapters 35, 36, or 37, an issue becomes a "ballot issue" upon certification by the proper official that the

legal procedure necessary for its qualification and placement upon the ballot has been completed, except that a statewide issue becomes an "issue" upon approval by the secretary of state of the form of the petition or referral.

~~(11)~~(17) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection ~~(2)~~ (5) ~~of this section~~.

~~(12)~~(18) "Political committee" means a combination of two or more individuals or a person other than an individual who makes a contribution or expenditure:

(a) to support or oppose a candidate or a committee organized to support or oppose a candidate or a petition for nomination; or

(b) to support or oppose a ballot issue or a committee organized to support or oppose a ballot issue; or

(c) as an earmarked contribution.

~~(13)~~(19) "Political subdivision" means a county, consolidated municipal-county government, municipality, special district, or any other unit of government, except school districts, having authority to hold an election for officers or on a ballot issue.

~~(14)~~(20) "Primary" or "primary election" means an election held throughout the state to nominate candidates for public office at times specified by law, including nominations of candidates for offices of political subdivisions when the time for nominations is set on the same date for all similar subdivisions in the state.

~~(15)~~(21) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

~~(16)~~(22) "Registrar" means the county election administrator and any regularly appointed deputy or assistant election administrator.

~~(17)~~(23) "Special election" means an election other than a statutorily scheduled primary or general election held at any time for any purpose provided by law. It may be held in conjunction with a statutorily scheduled election.

~~(18)~~(24) "Voting machine or device" means any equipment used to record, tabulate, or in any manner process the vote of an elector."

Section 3. Section 13-1-203, MCA, is amended to read:

"13-1-203. **Chief election officer to advise, assist, and train.** The secretary of state shall advise and assist election administrators with regard to application, operation, and interpretation of Title 13, except for ~~chapters~~ chapter 35, 36, or 37, and the implementation and operation of the National Voter Registration Act of 1993, Public Law 103-31. The secretary of state shall hold at least one workshop every 2 years to provide training and assistance to election administrators. Election administrators must be reimbursed, from funds appropriated to the secretary of state, for their mileage and expenses for attending the workshops at the rates set for mileage and expenses in 2-18-501 through 2-18-503. At the discretion of the secretary of state and within the budget limits allowed for workshops, the workshops may be held in several sessions at separate locations in the state."

Section 4. Section 13-1-204, MCA, is amended to read:

"13-1-204. **Election records to be kept by secretary of state.** (1) The secretary of state shall maintain current and accurate records including:

(a) a list of all precincts in each county;

(b) a map showing the boundaries of all precincts in each county;

(c) a count of the number of registered voters in each precinct for the latest general election;

(d) a list of legislative districts, judicial districts, and any multicounty election districts, showing the precinct numbers of each county contained in each district and the number of registered voters in each district for the ~~latest~~ most recent general election;

(e) a count of votes cast at the ~~latest~~ most recent general election by precinct and by legislative, judicial, and multicounty districts; and

(f) records required to be submitted from local election administrators and other agencies and coordinated by the secretary of state pursuant to the National Voter Registration Act of 1993, Public Law 103-31.

(2) Each election administrator shall provide the information and map for the record required in subsection (1) in the form and at the time prescribed by the secretary of state.

(3) The records required in subsection (1) and all records in the secretary of state's office pertaining to elections ~~shall~~ must be open for public inspection during normal office hours."

Section 5. Section 13-2-203, MCA, is amended to read:

"**13-2-203. Registration by mail.** (1) A qualified individual may register by mailing, postage paid, a properly completed application for voter registration form to the election administrator in the county in which the individual resides.

(2) The election administrator shall send applications for voter registration forms for mail registrations to all qualified individuals requesting them and shall, in addition, arrange for the forms to be widely and conveniently available within the county. The secretary of state shall make applications for voter registration forms available to governmental entities, private entities, and organized voter registration efforts. The application for ~~mail~~ voter registration form must be designed as prescribed by the secretary of state. A form prescribed by the secretary of state explaining voter registration qualifications, deadlines, and purge information must be distributed with the application for ~~mail~~ voter registration form.

(3) The elector shall complete, sign, and return the application for ~~mail~~ voter registration form.

(4) The application for voter registration form must be received by the election administrator on or before the day of the close of registration and must be returned to the administrator no later than 15 days after the date it is signed.

(5) ~~Registration~~ Application for voter registration forms properly executed before the close of registration must be accepted for 3 days after the close of registration."

Section 6. Section 13-2-207, MCA, is amended to read:

"**13-2-207. ~~Notice~~ Confirmation of registration.** (1) The election administrator shall give or mail to each elector a notice, ~~affirming~~ confirming registration and giving the location of the elector's polling place. ~~Mailed notices must conform to postal regulations to ensure return, not forwarding, of undelivered notices.~~ A notice sent to an elector to whom the notice is not personally given must be sent by nonforwardable, first-class mail, which must conform to postal regulations to ensure address corrections are received. If the notice is returned undeliverable the application for voter registration may not be placed on the register of electors kept by the election administrator.

(2) The election administrator ~~must~~ shall investigate the reason for the return of any mailed notices ~~and correct the address on the registration form~~ and mail a ~~new~~ confirmation notice ~~or cancel the registration of the elector if a diligent effort fails to locate the elector named on the registration form~~ to the elector. The notice must conform to postal regulations to ensure return, not forwarding, of undelivered

notices."

Section 7. Section 13-2-402, MCA, is amended to read:

"**13-2-402. ~~Other reasons~~ Reasons for cancellation.** The election administrator shall cancel the registration of an elector:

(1) at the written request of the registered elector;

(2) if a certificate of the death of the elector is filed or if the elector is reported as deceased by the department of public health and human services in the department's reports submitted to the county under 72-16-217;

(3) if the elector is of unsound mind as established by a court;

(4) if the incarceration of the elector in a penal institution for a felony conviction is legally established;

(5) if a certified copy of a court order directing the cancellation is filed with the election administrator;

(6) if the elector is successfully challenged and not allowed to vote at an election upon determination of an election judge; ~~or~~

(7) if a notice is received from another county or state that the elector has registered in that county or state; or

(8) if the elector fails to respond to certain confirmation mailings and fails to vote in two subsequent federal elections."

Section 8. Section 13-2-403, MCA, is amended to read:

"**13-2-403. Challenge of registration.** (1) Forty-five or more days before the close of registration for an election, three registered electors of a precinct may challenge the registration of an elector by filing affidavits giving the name of the elector whose registration is challenged, the address at which ~~he~~ the elector is registered, and a statement that the affiant has personal knowledge that the elector does not reside at the address where registered.

(2) No later than 3 days after the filing of affidavits as provided in subsection (1), the election administrator ~~must~~ shall send written notice to the elector whose registration is challenged, at the address shown on the registration form. The notice must state that registration will be ~~canceled~~ moved to the

inactive list within 15 days of the filing of the affidavits unless the elector refutes the affidavits by submitting proof or a sworn statement that ~~he~~ the elector resides at the address given on ~~his~~ the registration form.

(3) The election administrator must ~~cancel~~ move to the inactive list the registration of an elector whose registration is challenged under this section 15 days after the filing of the affidavits required in subsection (1) unless proof or a sworn statement as required in subsection (2) is received.

(4) If an elector proves or swears ~~he~~ that the elector resides at the address given on ~~his~~ the registration form after ~~his~~ the registration has been ~~canceled~~ moved to the inactive list as provided in this section, ~~he may reregister by completing a new registration form~~ the elector's registration must be moved to the active list. ~~Such~~ The registration ~~shall be~~ is effective for the next election even though the registration for that election is closed."

Section 9. Section 13-2-512, MCA, is amended to read:

"**13-2-512. Right to vote when precinct or name changed -- inactive elector -- change of status.** (1) An elector who has changed ~~his~~ residence to a different precinct within the same county and has failed to notify the election administrator of the change by a transfer or new registration form may vote in the precinct where ~~he~~ the elector is registered at the first election at which ~~he~~ the elector offers to vote after the change or at a central location designated by the election administrator unless ~~his~~ the elector's registration has been canceled as provided in ~~13-2-207, 13-2-401, or~~ 13-2-402.

(2) An elector who still ~~residing~~ resides in the same precinct where registered, whose name has changed, and who has failed to notify the election administrator of the change by a new registration form may vote under ~~his~~ the elector's former name at the first election at which ~~he~~ the elector offers to vote after the change unless ~~his~~ the elector's registration has been canceled as provided in ~~13-2-207, 13-2-401, or~~ 13-2-402.

(3) The elector ~~must~~ shall state ~~his~~ the elector's correct residence address and name when offering to vote and ~~must~~ shall complete a transfer form or new registration form to make the necessary correction before being allowed to sign the precinct register and vote.

(4) If an inactive elector appears to vote or votes by absentee ballot in a federal election, that elector must be allowed to vote and must be removed from the inactive list and placed on the active list."

Section 10. Section 13-19-313, MCA, is amended to read:

"**13-19-313. Notice to elector -- opportunity to resolve questions.** (1) As soon as possible after receipt of an elector's return/verification envelope, the election administrator shall give notice to the elector, either by telephone or by first-class mail, if the election administrator:

(a) is unable to verify the elector's signature under 13-19-310; or

(b) has discovered a procedural mistake made by the elector that would invalidate ~~his~~ the elector's ballot under 13-19-311.

(2) The election administrator shall inform the elector that ~~he~~ the elector may appear in person at the election administrator's office prior to 8 p.m. on election day and verify the signature or correct the mistake.

(3) Any elector ~~so~~ appearing pursuant to subsection (2) must be permitted to:

(a) verify ~~his~~ the elector's signature, after proof of identification, by affirming that the signature is in fact ~~his~~ the elector's or by completing a new registration card containing ~~his~~ the elector's current signature;

(b) correct any minor mistake if the correction would render the ballot valid; or

(c) if necessary, request and receive a replacement ballot and vote it at that time.

(4) If a mail ballot is returned, the election administrator shall mail a confirmation notice provided for in 13-2-207. However, the notice must be sent by forwardable, first-class mail with a postage-paid, return-addressed notice. If the confirmation notice is returned to the election administrator, the elector must be placed on an inactive list until that elector becomes a qualified elector."

NEW SECTION. **Section 11. Active list and inactive list of electors to be maintained for federal election.** The election administrator of a county shall maintain a list of active electors and a list of inactive electors for the purposes of a federal election.

NEW SECTION. **Section 12. Maintenance of voter registration rolls for elections -- rules by secretary of state.** (1) The secretary of state shall adopt rules specifying a list of procedures from which an election administrator shall choose at least one procedure for the maintenance of accurate voter registration rolls for use in elections.

(2) The procedures specified by the secretary of state must include the following procedures, which

an election administrator shall follow in every odd-numbered year:

(a) compare the entire list of registered electors against the national change of address files and provide appropriate confirmation notice to those individuals whose addresses have apparently changed;

(b) mail a nonforwardable, first-class, "return if undeliverable--address correction requested" notice to all registered electors of each jurisdiction to confirm their addresses and provide the appropriate confirmation notice to those individuals who return the notices;

(c) mail a targeted mailing to electors who have failed to vote by:

(i) sending the list of nonvoters a nonforwardable notice, followed by the appropriate forwardable confirmation notice to those electors who appear to have moved from their addresses of record;

(ii) comparing the list of nonvoters against the national change of address files, followed by the appropriate confirmation notices to those electors who appear to have moved from their addresses of record;

(iii) sending forwardable confirmation notices; or

(iv) making a door-to-door canvass.

(3) Any notices returned to the election administrator after using the procedures provided in subsection (2) must be followed by an appropriate confirmation notice that is a forwardable, first-class, postage-paid, self-addressed, return notice. If the elector fails to respond within 30 days of the confirmation notice, the election administrator shall move the elector to the inactive list.

(4) A procedure used by an election administrator pursuant to this section must be completed at least 90 days before a primary or general election for federal office.

NEW SECTION. **Section 13. Agency-based registration.** (1) Qualified individuals must be given the opportunity to register to vote when applying for or receiving services or assistance:

(a) at an agency that provides public assistance;

(b) at or through an agency that provides state-funded programs primarily engaged in providing services to persons with disabilities; or

(c) at another agency designated by the secretary of state with the consent of the agency.

(2) Agency-based registration sites must:

(a) distribute application for voter registration forms with each application for services or assistance; and

(b) assist an applicant in completing an application for voter registration form, unless the applicant refuses assistance.

(3) The completed application for voter registration form must be transmitted by the agency to the election administrator of the county of the elector's residence within the time period specified by 42 U.S.C. 1973gg, et seq.

(4) As used in this section, the following definitions apply:

(a) "Agency" means a state agency as defined in 2-4-102(1)(a) or an office of a political subdivision.

(b) "Political subdivision" means a city, county, consolidated city-county government, or a town.

NEW SECTION. **Section 14. Reactivation of elector.** (1) The name of an elector must be moved by an election administrator from the inactive list to the active list of a county if an elector meets the requirements for registration provided in this chapter and:

(a) appears in order to vote in a federal election; or

(b) notifies the county election administrator of the elector's current residence, which must be in that county.

(2) After an elector has complied with either subsection (1)(a) or (1)(b), the county election administrator shall place the elector's name on the active voting list for that county.

NEW SECTION. **Section 15. Electors not voting in 1996 general election -- placement on inactive voting list.** Election administrators shall place the name of electors who did not vote in the 1996 general election on the inactive voting list provided for in [section 11].

NEW SECTION. **Section 16. Repealer.** Section 13-2-401, MCA, is repealed.

NEW SECTION. **Section 17. Codification instruction.** [Sections 11 through 14] are intended to be codified as an integral part of Title 13, chapter 2, part 2, and the provisions of Title 13, chapter 2, part 2, apply to [sections 11 through 14].

NEW SECTION. **Section 18. Effective date.** [This act] is effective on passage and approval.

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